

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HORTON HOMES, INC., )  
)  
Plaintiff, )  
)  
v. ) CIVIL ACTION NO.  
) 2:07-CV-506-MEF  
)  
LARUE BANDY, MARIE BANDY, )  
PATRICK PRITCHETT, WILLIAM )  
SHANER, ELSIE FONDREN )  
AVERETTE, WILLIAM CRUTHIRDS, )  
SHERRIE CRUTHIRDS, LARRY C. )  
McCULLOUGH, and ROBERT )  
JEROME TEAL, III, )  
)  
Defendants. )  
)

**EXHIBIT LIST OF PLAINTIFF HORTON HOMES, INC.<sup>1</sup>**

<u>Pl. #</u>	<u>Exhibit Name</u>	<u>Admitted</u>
1a	<b>Demonstrative Chart of Manufactured Floors 1997-2000</b> (Copy produced at November 20, 2007 preliminary injunction hearing ("November 20, 2007 hearing"))	
1	<b>Manufactured Floors 1997-2000 documentation</b> (Copy produced at November 20, 2007 hearing)	
2a	<b>Demonstrative Chart of Horton Dealers Growth Chart 1997-present</b> (Copy produced at November 20, 2007 hearing)	
2	<b>Manufactured Floors 1997-2000 documentation</b> (Copy produced at November 20, 2007 hearing)	

<sup>1</sup> Plaintiff Horton Homes, Inc. furnishes this Exhibit List as a comprehensive list of exhibits that it may tender at trial, pursuant to both Section 12 of the Uniform Scheduling Order [Doc. # 48] and the Court's caution to avoid surprise by attempting to tender exhibits not timely listed. Plaintiff Horton Homes, Inc. provides this list without prejudice to any pending or future motions in limine to exclude evidence or evidentiary objections at trial, which motions or objections may render some of these listed exhibits inadmissible at trial.

- 3      **GE Inventory Finance Agreement**  
*(Copy produced at November 20, 2007 hearing)*
- 4      **Bombardier Finance Agreement**  
*(Copy produced at November 20, 2007 hearing)*
- 5      **TCT Textron Repurchase - Floor Plan Agreement**  
*(Copy produced at November 20, 2007 hearing)*
- 6      **Bombardier Credit, Inc - Floor Plan Repurchase Agreement**  
*(Copy produced at November 20, 2007 hearing)*
- 7      **Horton Industries, Inc. - incorporation documents**  
*(Copy produced at November 20, 2007 hearing)*
- 8      **Horton Homes Inc. - incorporation documents**  
*(Copy produced at November 20, 2007 hearing)*
- 9      **H&S Homes, LLC - incorporation documents; name change document included**  
*(Copy produced at November 20, 2007 hearing)*
- 10     **H&S Homes, LLC Form 941 - quarterly composite tax reports**  
*(Copy produced at November 20, 2007 hearing)*  
Year 2000  
Year 2001  
Year 2002  
Year 2003  
Year 2004  
Year 2005  
Year 2006
- 11     **Horton Homes, Inc. Form 941 - quarterly composite tax reports**  
*(Copy produced at November 20, 2007 hearing)*  
Year 2000  
Year 2001  
Year 2002  
Year 2003  
Year 2004  
Year 2005  
Year 2006
- 12     **H&S Homes, LLC - ad Valorem Tax Bills**  
*(Copy produced at November 20, 2007 hearing)*  
2000  
2001  
2002  
2003  
2004  
2005  
2006

- 13     **Horton Homes, Inc. - ad Valorem Tax Bills, Putnam County, 2000 - 2006, composite**  
      *(Copy produced at November 20, 2007 hearing)*
- 14     **H&S Homes, LLC - State Sales Tax Returns**  
      *(Copy produced at November 20, 2007 hearing)*  
      1999  
      2000  
      2001  
      2002  
      2003  
      2004  
      2005  
      2006
- 15     **Horton Homes, Inc. - State Sales Tax Returns**  
      *(Copy produced at November 20, 2007 hearing)*  
      1999  
      2000  
      2001  
      2002  
      2003  
      2004  
      2005  
      2006
- 16     **H&S Homes, LLC Bank Statements for Its Operating Account**  
      *(Copy produced at November 20, 2007 hearing)*  
      Dec. 2000  
      Dec. 2006
- 17     **Horton Homes, Inc. Bank Statements for Its Operating Account**  
      *(Copy produced at November 20, 2007 hearing)*  
      Dec. 2000  
      Dec. 2006
- 18     **Horton Industries, Inc. - Federal Tax Returns**  
      *(Copy produced at November 20, 2007 hearing)*  
      1999 - 2000  
      2000 - 2001  
      2001 - 2002  
      2002 - 2003  
      2003 - 2004  
      2004 - 2005  
      2005 - 2006

**19 Horton Homes, Inc. - Income Tax Returns for Georgia and Florida**

*(Copy produced at November 20, 2007 hearing)*

1999 - 2000

2000 - 2001

2001 - 2002

2002 - 2003

2003 - 2004

2004 - 2005

2005 - 2006

**20 H&S Homes, LLC - State Income Tax Returns for various states**

*(Copy produced at November 20, 2007 hearing)*

1999 - 2000

2000 - 2001

2001 - 2002

2002 - 2003

2003 - 2004

2004 - 2005

2005 - 2006

**21a Horton Homes, Inc. - Financial Audit Report**

*(Audits for 1997 and 1998 produced as part of Exhibit "D-21" to the July 22, 2008 depositions of Steven M. Sinclair and Michael Thigpen, C.P.A.)*

1996

1997

1998

**21b Horton Homes, Inc. - Financial Audit Reports**

*(Copy produced at November 20, 2007 hearing)*

1999

2000

2001

2002

2003

2004

2005

2006

- 22     **H&S Homes, LLC - Financial Audit Reports**  
      *(Copy produced at November 20, 2007 hearing)*  
      1999  
      2000  
      2001  
      2002  
      2003  
      2004  
      2005  
      2006
- 23     (Number intentionally skipped)
- 24     (Number intentionally skipped)
- 25     (Number intentionally skipped)
- 26     **Horton Homes Inc. - 2002 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 27     **Horton Homes Inc. - 2003 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 28     **Horton Homes Inc. - 2004 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 29     **Horton Homes Inc. - 2005 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 30     **Horton Homes Inc. - 2006 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 31     **H&S Homes, LLC - 2002 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 32     **H&S Homes, LLC - 2003 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 33     **H&S Homes, LLC - 2004 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 34     **H&S Homes, LLC - 2005 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 35     **H&S Homes, LLC - 2006 Audit Workpapers**  
      *(Copy produced at November 20, 2007 hearing)*
- 36     **Horton Homes, Inc. - Corporate Minutes**  
      *(Copy produced at November 20, 2007 hearing)*
- 37     **H&S Homes, LLC - Corporate Minutes**  
      *(Copy produced at November 20, 2007 hearing)*

- 38 **Michael Thigpen, C.P.A., spreadsheet entitled "Schedule of loans from Horton Homes, Inc. to H&S Homes, LLC and repayments showing principal only. This schedule assumes all interest is paid by other checks".**  
*(Produced as Exhibit "P-518" to the July 22, 2008 depositions of Steven M. Sinclair and Michael Thigpen, C.P.A.)*
- 39 **Michael Thigpen, C.P.A., spreadsheet entitled "Schedule of loans from Horton Homes, Inc. to H&S Homes, LLC and repayments showing principal only. This schedule assumes all interest is paid by other checks".**  
*(Produced as Exhibit "P-519" to the July 22, 2008 depositions of Steven M. Sinclair and Michael Thigpen, C.P.A.)*
- 40 **Expert Witness Report for Michael Thigpen, C.P.A., on Behalf of Horton Homes, Inc.**  
*(Produced to Defendants' counsel on May 16, 2008)*
- 41 **Expert Witness Report for Henry H. Hutchinson on Behalf of Horton Homes, Inc.**  
*(Produced to Defendants' counsel on May 16, 2008)*
- 42 **Ledger pages for the account that Horton Homes, Inc. used to track the balance that of H&S Homes, LLC owed to Horton Homes, Inc.**  
*(Produced as Exhibit "D-5" to the May 20, 2007 depositions of N. Dudley Horton, Jr., and Steven M. Sinclair)*
- 43 **H&S Homes Ledger of its interest payments to Horton Homes**  
*(Produced as the first two pages of Exhibit "D-28" to the July 22, 2008 depositions of Steven M. Sinclair and Michael Thigpen)*
- 44 **Promissory Notes evidencing loans made by Horton Homes to H&S Homes**  
*(Produced to Defendants in discovery as documents numbered HORTON000180 through HORTON000434)*
- 45 **Checks evidencing payments related to loans made by Horton Homes to H&S Homes**  
*(Produced to Defendants in discovery as documents numbered HORTON000435 through HORTON000600)*
- 46 **Purchase contract and arbitration agreement for the manufactured home that Larue Bandy and Marie Bandy bought in Alabama on April 12, 1999**
- 47 **Purchase contract and arbitration agreement for the manufactured home that Patrick Pritchett bought in Alabama on June 4, 1999**
- 48 **Purchase contract and arbitration agreement for the manufactured home that Cliffie Shaner bought in Alabama on October 12, 1999**

- 49 Purchase contract and arbitration agreement for the manufactured home that Elsie Fondren Averette bought in Alabama on June 17, 2000
- 50 Purchase contract and arbitration agreement for the manufactured home that William Cruthirds and Sherrie Cruthirds bought in Alabama on March 31, 2000
- 51 Purchase contract and arbitration agreement for the manufactured home that Larry C. McCullough bought in Alabama on June 15, 1998
- 52 Purchase contract and arbitration agreement for the manufactured home that Robert Jerome Teal, II bought in Alabama on July 10, 2001
- 53 Any exhibit necessary for impeachment purposes during cross examination and re-cross
- 54 All exhibits designated on Defendants' Exhibit List

Dated this 20th day of August, 2008.

By: /s/ Thomas C. Grant  
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Georgia Bar No. 567600  
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Georgia Bar No. 297455  
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*Co-Counsel for Plaintiff Horton Homes, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that on this date the undersigned has filed using the CM/ECF system a true and correct copy of "Exhibit List of Plaintiff Horton Homes, Inc." on the following parties and has served the following via the CM/ECF system:

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213 Barnett Boulevard  
P.O. Box 780608  
Tallahassee, Alabama 36078

Frank H. Hawthorne, Jr.  
Randy A. Myers  
Hawthorne & Myers LLC  
322 Alabama Street  
Montgomery, Alabama 36104

Dated this 20th day of August, 2008.

By: /s/ Thomas C. Grant  
JAMES L. PAUL  
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